

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: KARL KLEIN
DEPUTY ATTORNEY GENERAL

DATE: SEPTEMBER 23, 2016

SUBJECT: 2017 TECHNICAL TRAINING FUNDING AGREEMENT

The U.S. Department of Transportation's Federal Railroad Administration (FRA) has asked the Commission to sign the FRA's State Railroad Safety Training Funding Agreement form for Federal Fiscal Year 2017. A copy of the FRA Agreement is attached. The Commission and FRA enter into a substantially similar agreement each year to make the Commission's railroad inspectors eligible for federal reimbursement for travel expenses incurred to attend FRA training activities related to the FRA's railroad safety program, rules, regulations, orders and standards.

COMMISSION DECISION

Does the Commission authorize its President to sign the FRA Agreement, and substantially similar future FRA agreements, on the Commission's behalf?



Karl T. Klein
Deputy Attorney General



U.S. Department
of Transportation

Federal Railroad
Administration

Memorandum

Date: August 10, 2016

Subject: 2017 Technical Training Funding Agreement Form

From: Mike Calhoun

To: State Managers

Attached is a State Railroad Safety Technical Training Funding Agreement form for Federal Fiscal Year 2017. This form must be completed by states that are not participating in the Railroad Safety State Participation Pilot Grant program. Please execute the agreement and the Attorney's Certification in accordance with your agency's administrative procedures. Please return the executed form by regular mail or email to:

Robert Faaborg
Federal Railroad Administration
4100 international parkway Ste. 450
Fort Worth, Texas 76109

Do not complete the "funding not to exceed" blank. Funds available for training are unknown at this time and designating a funding maximum may limit training opportunities. Original signatures are required on the agreement and the attorney's certification.

The agreement form cannot be amended by States. It is a program agreement, not a negotiated agreement. If the agreement is altered by a State, it will be rejected and that State's inspectors will not be eligible for Federal reimbursement of training travel expenses. States that are in FRA's 2017 Grant Pilot Program are not required to complete this agreement.

Training is essential for inspectors to maintain technical proficiency. Failure to attend training will jeopardize inspector certification. **Please submit the executed agreement by October 1, 2016, to preserve training eligibility for your inspectors.**

Enclosures

STATE RAILROAD SAFETY TECHNICAL TRAINING FUNDING
AGREEMENT

1. Agreement. The Federal Railroad Administration agrees to provide full funding for authorized costs incurred by the State with respect to designated state employee attendance at Administration approved training activities. This Agreement is made for the purpose of providing Federal funds for technical assistance to state governments participating in the Administration's railroad safety program under 49 U.S.C. 20105.
2. Technical Training. Technical Training provided pursuant to this Agreement shall be related to the Administration's railroad safety program and the administration and enforcement of railroad safety rules, regulations, orders and standards issued by the Administration pursuant to 49 U.S.C. 20105.
 - 2.1 Technical training shall be limited to those courses approved in advance by the Administration.
 - 2.2 Participation in approved training shall be restricted to state railroad safety inspectors, trainees, and to persons serving in a direct supervisory capacity with respect to such inspectors.
 - 2.3 Federal funding shall be limited to the cost elements of the round-trip travel to the authorized training site from the State or Commonwealth of _____, and per diem as provided in 41 CFR Part 301-11, and Chapter 301, Federal Travel Regulations; Maximum Per Diem Rates.
3. Federal Funds. The Administration shall provide funding not to exceed \$ _____, for the full approved cost of state employee participation in classroom technical training related to the Administration's railroad safety program during the period from October 1, 2016, through September 30, 2017, in accordance with the terms and conditions of this Agreement.

STATE AGENCY

By _____

Title _____ Date _____

FEDERAL RAILROAD ADMINISTRATION

By _____

Title Associate Administrator for Safety _____ Date _____

CERTIFICATION

I, _____, acting as Attorney for the State or Commonwealth agency, this ____ day of _____, do certify that I have examined the Training Agreement and find that acceptance by the State or Commonwealth agency has been authorized, and that the execution thereof is proper and in accordance with the laws of the State or Commonwealth of _____, and that in my opinion, the State or Commonwealth agency has legal authority to participate in training activities in accordance with the terms thereof.

Attorney for the State or
Commonwealth Agency